

Next Meeting: Monday September 23, 2013 at 7:00 PM

Rights of Way of the Town of Rockport
Minutes of the Meeting of August 26, 2013
Rockport Town Hall, Room A
Approved

Meeting called to order 7:00 PM, Marc Prince presiding.

Members Present:

Tom Kerans, Bill Mueller, Marcia Siegel, Mary Devaney, Marc and Mary Prince,

Members Absent: Jane Moginot

Associate Members: Ted Tarr, Phyllis Krenn, Christina Wolfe

Guests: Matt Natti, Matt Cegelis, (24 School Street), Toby Arsenion (95 Granite Street), Donald Curtis, (37 Phillips Avenue) Jane Montecalvo (92 Granite Street),

Announcements:

As the meeting began, Marc led us in a moment of silence to honor Row members Sue Thurson and John Krenn.

Members expressed sorrow for Sue's passing and shared fond memories of her calm, determined manner, her humor, and her dedication to the Rights of Way Committee. During the past year, despite her battle with cancer, Sue worked tirelessly. She attended meetings, went on field trips, negotiated with landowners, and helped to maintain footpaths. During her last few weeks of life, she worked in both intense heat and pouring rain to finish clearing brush from our Reeds Lane project. Sue will be greatly missed.

John Krenn served on many town committees and is remembered as an energetic, humorous and effective leader. While on the Rights of Way Committee, John founded "Friends of the Rockport Rights of Way". Under a grant from the Massachusetts Department of Environmental Management, John, with his wife former Chair Phyllis Krenn, and Suel Shannon, wrote and published the **Rockport Guide to Public Paths and Town Landings**. John has left an impressive legacy of 33 years of service to the town.

Holding an Executive Session was suggested by Marc. The purpose would be to evaluate our past experience and explore the future direction of the Committee. Marc presented a list of topics for discussion. Members were encouraged to review the list and add to it. The Committee faces serious challenges with our budget, labor, choice of projects, and cooperation with town officials and agencies. A copy of Rockport Open Space & Recreation Plan 2009-2016 was distributed. Marc asked everyone to think about what we can do.

Discussion followed and questions of legality regarding Executive Session were raised. He will check with the town administrator regarding rules about such meetings.

Phyllis Krenn stated the quorum issue is scheduled to be voted on at the September 7, 2013 town meeting.

Minutes of 7/22/2013

Corrected and Approved.

Marc announced that matters of concern to guests would be moved to the top of the agenda.

Old Business

Atlantic Path

Matt Natti, arborist, reported that he and his crew have cleared the path and access points. The Curtis section of the path has not been cleared and will be discussed. The Emerson entrance has not been done. Discussion of cost and payment followed. Matt stated that a thorough job would cost \$2500, but he is willing to contract the job for \$1500 as a community service. Regarding previous bills, he stated that the amount charged by the former contractor did not include access points and in depth brush clearing. Abutter Cagnina prefers to clear his own section of the Atlantic Path.

Marc asked Matt to submit a detailed estimate for work that needs to be done to complete the job on the path and what it will cost in the future. so that he can present it to the Finance Committee and ultimately the Board of Selectmen in the hope of increasing our budget.

Budget Issue

Discussion followed. Marc noted that this past year, our resources have been exhausted by the Atlantic Path and the connecting town owned property of Reeds Lane. Both require yearly clearing and maintenance. The Committee cannot take on new projects or protect other Rights of Way if our entire budget is expended on these properties.

Guest Donald Curtis explained how and why he wishes to reroute the section of the path which runs through his property. On August 14, Marcia Siegel, and Matt Natti met with Curtis to review the issues. Over the years, the path has veered away from its original course and now is next to his lawn. Mr. Curtis would like to work with Matt Natti to remove sumac and other growth to reestablish the old route.

A motion was made, seconded and approved for Mr. Curtis to work with Matt to clear the original path. It appeared Mr. Curtis was willing to pay for redirecting the path. Mr. Curtis was thanked for coming to the meeting and appreciation was expressed for his help and cooperation.

Reeds Lane

Most of the brush has been picked up by DPW. A few more truck loads of chips will be delivered and will need to be spread. According to Matt Natti, by next September the chips will have broken down enough to plant grass seed.

Budget Issue

Discussion following the report revolved around the fact that Reeds Lane is a town paper road. While considering it a worthwhile project, Committee members believe the town should help with future clearing and maintenance.

Los Angeles

Christina reported on the packet of information prepared by Bill James' attorney. The primary issue appears to be ownership of the Los Angeles path. According to our records, the path is 40

feet wide and the town owns it. Mr. James owns the property on both sides of the path and claims to own the path itself.

Christina presented maps from the James packet. On the map of 1952, the path is shown as owned by the town; on the map of 1966, the path is shown as owned by Bill James; on the map of 1996, ownership is unclear. Since town owned land cannot be taken and there is no record of sale, there are serious concerns as to how this came to be. Further research will be needed. To further complicate the issue, our records show that the path extends all the way to the rocks. However, for now, we are going to focus on the first section.

The Committee wishes to straighten the path and restore it to its original course. Bill James claims we cannot do that without his permission. There also seems to be confusion as to what the DPW was supposed to in regard to clearing.

Bill Mueller offered to contact Mr. James to question him about his understanding of the situation.

Signs

As part of a review of our mission and goals, Marcia suggested we need to make sure all Row signs are up and clearly mark paths and trails.

Delmater Sanctuary

The Delmater trails need clearing.

Ted Tarr reported that trail which runs through swamp in the back needs a bridge.

Marcia commented that this should be a low priority considering all our other responsibilities.

Kieran Preserve

The trail is overgrown and impassable.

Atlantic Path Signage

Bill Mueller reported the DPW still has not put signs leading to the Atlantic Path in the right places, nor have they replaced missing signs. The Cathedral Avenue sign continues to be hidden behind brush.

New Business:

Pigeon Hill Association/ Steel Derrick Trails

Christina reported that she has not had time to research the deed.

Mary Devaney reported that she walked the network of trails which connect with and crisscross Steel Derrick. These trails are well documented on the assessor's online maps and in Mark Carlotto's book **The Island Woods**. Mary also interviewed the security guard hired by the Pigeon Hill Association, owner of Steel Derrick, and spoke with persons who hike the area on a regular basis. The trails either originate on town owned land abutting the quarry property, or they are part of the greater Dogtown/North Woods trail network. According to the guard, the quarry and the 30 acres surrounding it are private property and anyone not a member of the Association is trespassing when they walk on trails through it. However, the guard is only on duty during summer months and on weekends in the fall and spring. The guard claims the property has the status of someone's "backyard" and non-members using the trails is the equivalent of walking into someone's yard. He also said the Association is concerned about liability issues.

Hikers who were interviewed reported that they and others have been walking the area with their dogs for years. It should be noted that the vast majority of hikers have their dogs with them. They consider the trails historic rights of way and believe the Association has no right to stop those "passing and repassing" with or without dogs. A few commented that they are just glad to be able to use the trails on the off season and don't want to "rock the boat". One hiker who has been walking her dog there for over 12 years stated that the real problem is that, at night, the area is invaded by partiers who leave all sorts of litter, debris, beer cans, broken bottles, etc.

According to Christina, the gated road used by Association members starts on Rowe Avenue and is a town owned right of way. It connects to another town owned right of way known as the Pipeline Road which originates at Granite Pier. These two roads meet at the Association's parking lot. Hikers and/or hikers with dogs cannot be legally prevented from walking town owned roads and rights of way. The problem is the connection. Another road used by the Association road runs north and south and connects to Quarry Road. A section of this road was actually constructed on town land. Signs mark this town owned land as "Private, No Trespassing".

Town of Rockport online maps show the connecting roads as rights of way, but they are not marked as such at the connecting parking lot. The actual status of the connection will require further research. There is no question that the trails and roads surrounding the quarry have been used by the public for over a hundred and fifty years, perhaps longer. Mary suggested presenting the matter to the Cape Ann Trails Stewards whose mission it is to keep the entire woods network of trails open and continuous.

Marcia Siegel commented that we need to be more clear as to our goals and the legal status of the trails before we involve other organizations.

Discussion followed. It was agreed, the situation is complicated and requires further research before any action is taken.

New Member

A motion was made and seconded to accept Matt Cegelis as a new member. A vote was taken and Matt's membership was unanimously approved.

Meeting adjourned 9:02 PM

Next Meeting:

Monday, September 23, 7:00 PM, Town Hall, Conf. Rm. A

Respectfully submitted,

Mary Devaney